THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.9056 of 2003

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Dated:23.02.2006

Between:

Tatagiri Naga Raju, S/o. Late Narayana Swamy,
R/o.1-1-111/2, Miyapur,
Sherilingampalli Mandal & Municipality, Ranga Reddy District,

and another.

..... PETITIONERS

AND

The District Collector,
Ranga Reddy District, Lakdikapool,
Hyderabad, and another.

.....RESPONDENTS

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WRIT PETITION No.9056 of 2003

ORDER:

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This writ petition is filed by two persons praying for a writ of mandamus declaring the action of the respondents, namely the District Collector, Ranga Reddy District, and the Mandal Revenue Officer, Serilingampally, in proceeding with the public auction to sell the land admeasuring 390 square yards in Survey No.243 by wrongly showing it to be in Survey No.236 as illegal and arbitrary. Though interlocutory matters are listed before this Court, the matter is heard finally and is being disposed of by this order.

It is the case of the petitioners that they purchased land admeasuring Ac.1.03 guntas in Survey No.243 situated at Chandanagar Village under registered sale deed dated 14.10.1996, and since then they have been in possession of the land. They also allege that they obtained necessary record of rights from the second respondent and that the land is surrounded by the lands in Survey Nos. 223, 228, 231, 232, 236, 242, 244 and 245. It is their allegation that the revenue officials have taken the measurements on the land belonging to the petitioners to an extent of 390 Square yards, and the auction notice was issued by the first respondent.

In the counter affidavit filed by the second respondent it is stated that the land in Survey No.243 admeasuring Ac.1.03 guntas is classified in the revenue records as patta lands in the names of B.Yellaiah, Sathyanarayana, Yadaiah and Krishna, and that the Mandal Revenue Officer regularized the sale transaction by proceedings dated 26.08.1995. It is also further stated that the land in Survey No.236/1 admeasuring Acs.2.30 guntas is classified as Poramboke Sarkari, and the Government is not auctioning the property belonging to the petitioners.

No reply affidavit is filed denying the counter averments. Therefore, this Court is of the considered opinion that the writ petition is filed on a mere apprehension and as admitted by the respondents, the land in Survey No.243 is a patta land, and the same is not being put to auction.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.02.2006

vs